

Carriage Disputes: The Statute

TITLE 47. TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS
CHAPTER 5. WIRE OR RADIO COMMUNICATION
CABLE COMMUNICATIONS
USE OF CABLE CHANNELS AND CABLE OWNERSHIP RESTRICTIONS
47 USCS § 536

§ 536. Regulation of carriage agreements

(a) Regulations. Within one year after the date of enactment of this section [enacted Oct. 5, 1992], the Commission shall establish regulations governing program carriage agreements and related practices between cable operators or other multichannel video programming distributors and video programming vendors. Such regulations shall--

(1) include provisions designed to **prevent** a cable operator or other multichannel video programming distributor from **requiring a financial interest** in a program service as a condition for carriage on one or more of such operator's systems;

(2) include provisions designed to **prohibit** a cable operator or other multichannel video programming distributor from coercing a video programming vendor to provide, and from retaliating against such a vendor for failing to provide, exclusive rights against other multichannel video programming distributors as a condition of carriage on a system;

(3) contain provisions designed to **prevent** a multichannel video programming distributor from **engaging in conduct** the effect of which is to unreasonably restrain the ability of an unaffiliated video programming vendor to compete fairly by **discriminating in video programming distribution on the basis of affiliation or nonaffiliation** of vendors in the selection, terms, or conditions for carriage of video programming provided by such vendors;

(4) provide for **expedited review** of any complaints made by a video programming vendor pursuant to this section;

(5) provide for appropriate penalties and remedies for violations of this subsection, including carriage; and

(6) provide **penalties** to be assessed against any person filing a **frivolous** complaint pursuant to this section.

(b) "Video programming vendor" defined. As used in this section, the term "video programming vendor" means a person engaged in the production, creation, or wholesale distribution of video programming for sale.